

July 15, 2002

ENERGY & ENVIRONMENT  
COMMITTEE  
REPORT NO. 11

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

- |    | Item   | Page | -2001 | (Comm. 8M-9)   |
|----|--|------|-------|----------------|
| a. | <b>WNY SPORTSMEN'S ASSOCIATION:</b> Copy of Letter to Parks Re: Request to Lease Area on Miller Road, Town of Holland (EC Forestry #11)<br>(5-0) |      |       |                |
|    | Item   | Page | -2002 | (Comm. 14E-46) |
| b. | <b>COUNTY EXECUTIVE:</b> ECSD No. 1 – Engineering Service Agreements Work Order: URS-3.<br>(5-0)   |      |       |                |
|    | Item   | Page | -2002 | (Comm. 14E-47) |
| c. | <b>COUNTY EXECUTIVE:</b> ECSD No. 3 – Creekside Sewer Replacement Change Order No. 1 – Tom Greenauer Development.<br>(5-0)                       |      |       |                |
|    | Item   | Page | -2002 | (Comm. 14E-48) |
| d. | <b>COUNTY EXECUTIVE:</b> ECSD No. 2 – Construction Inspection Service Agreement Work Order: DG-5.<br>(5-0)                                       |      |       |                |

	Item	Page	-2002	<b>AS AMENDED</b> (Comm. 7E-31)
2.	<b>COUNTY EXECUTIVE</b> WHEREAS, the Erie County Legislature had awarded Contract No. 44EV to Donald J. Braasch Construction, Inc.; and			

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 44EV in the amount of \$413,582.76, and approval of final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 44EV between the County of Erie and Donald J. Braasch, Construction, Inc., 1661 Lakeview Road, Lakeview, New York 14085, be accepted in the amount of \$413,582.76; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 44EV between the County of Erie and Donald J. Braasch, Construction, Inc., in the amount of \$413,582.76 and make final payment from Sewer Capital Account SD No. 2, Fund No. 430, Project No. 913; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning; and one certified copy each to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget, Management and Finance.  
(5-0)

3.      Item                      Page                      -2002                      (Comm. 14E-10)

**COUNTY EXECUTIVE**

**WHEREAS**, Erie and Niagara Counties are desirous of preparing a Framework for Regional Growth; and

**WHEREAS**, said Framework will represent the first bi-county comprehensive planning effort since 1974; and

**WHEREAS**, the Framework will provide a common reference point for County actions that affect physical development in the region, including capital investment, permitting, and review functions; and

**WHEREAS**, the Erie County Department of Environment and Planning has been designated as the lead coordinating agency for preparing the Framework; and

**WHEREAS**, Erie County included \$250,000 for this effort in the 2002 Capital budget; and

**WHEREAS**, on June 18, 2002 the Niagara County Legislature approved an allocation of \$50,000 for said Framework,

**NOW, THEREFORE BE IT**

**RESOLVED**, that the County Executive is hereby authorized to execute all necessary agreements with Niagara County, in an amount not to exceed \$50,000, for the purpose of undertaking a Framework for Regional Growth; and be it further

**RESOLVED**, that certified copies of this resolution should be forwarded to the Director of the Division of Budget, Management, and Finance, the County Comptroller, and the Commissioner of the Department of Environment and Planning.

(5-0)

4. Item Page -2002 (Comm. 14E-20)

**COUNTY EXECUTIVE**

WHEREAS, in Comm. No. 3E-27 [C], dated March 7, 2002, authorization was received to accept a grant from NYSERDA for \$50,000 and to issue a change order to C.J. Brown Energy, PC for work in establishing and implementing a Performance Contract on the reconstruction of the existing Court Buildings, and

WHEREAS, the Commissioner of Public Works has assigned other County-owned facilities to be studied under the Performance Contract, and

WHEREAS, the Department of Public Works wishes to hire C.J. Brown Energy, PC to assist in establishing and implementing the Performance Contract on these studies,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes a change order be made to C.J. Brown Energy, PC for \$75,000 for their work in establishing and implementing a Performance Contract on various County-owned facilities and study of potential Energy Conservation Measures that may become a portion of a Performance Contract, \$37,810 to be taken from Fund 410, Project 810, and \$37,190 to be taken from Fund 410, Project 833, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Director of Budget Management and Finance and the Office of the Comptroller.

(5-0)

5. Item Page -2002 (Comm. 14E-23)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Parks, Recreation & Forestry is in need of funds to cover expenses associated with additional recreational events, such as the Winterfest, Summerfest, and Ribbon Regatta for the year 2002, and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry's Golf Course Improvement Grant has, after all major improvements have been done, more than sufficient funds to transfer to the Division of Recreation's Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the revenue amount of \$12,000 be moved from the Erie County Department of Parks, Recreation and Forestry's Golf Course Improvement Grant, account 281555641453, along with the expense account 281555641816, to the Division of Recreation's Budget accounts:

(\$ 12,000)	110943641518	Miscellaneous Revenue
\$ 1,000	110943641811	Recreational Supplies

\$ 1,000	110943641824	Local Mileage
\$ 10,000	110943641826	Other Expenses

and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(5-0)

6. Item Page -2002 (Comm. 14E-24)

**WHEREAS**, Erie County is desirous of improving waterfront access along the Niagara River in the City of Buffalo; and

**WHEREAS**, New York State is seeking grant applications from local governments for financial assistance aimed at municipal park development projects,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Joel A. Giambra, as County Executive of the County of Erie, be, and hereby is, authorized to file an application on forms prescribed by the New York State Office of Parks, Recreation, and Historic Preservation for financial assistance in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or Title 3 of the Clean Water/Clean Air Bond Act, in an amount not to exceed \$350,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the County of Erie for Phase II of improvements to the Erie County Park known as Tow Path Park in the City of Buffalo; and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Commissioners of the Department of Parks, Recreation, and Forestry, the Department of Environment and Planning, the Department of Public Works and the County Comptroller.

(5-0)

7. Item Page -2002 (Comm. 14E-26)

**COUNTY EXECUTIVE**

**WHEREAS**, the New York State Department of Environmental Conservation's (NYSDEC) Bond Act-Environmental Protection Fund solicited a grant proposal from Erie County to implement aquatic habitat restoration and non-agricultural non-point source pollution prevention projects; and

**WHEREAS**, the NYSDEC granted approval of the application allocating funding of \$106,500 over two years for the Seneca Bluffs Wetland Restoration Project; and

WHEREAS, through Legislative resolution (Comm. 20E-34) dated November 29, 2001, the County Executive executed an agreement to accept this funding and implement a NYSDEC Bond Act project; and

WHEREAS, the City of Buffalo has committed a cash contribution of \$100,000 over two years for the Seneca Bluffs Wetland Restoration Project; and

WHEREAS, the New York State Department of State (NYSDOS) Great Lakes Coastal Watershed Restoration Grant Program provides grant assistance to improve water quality and restore aquatic habitats; and

WHEREAS, NYSDOS solicited a proposal from Erie County for participation in the Great Lakes Coastal Watershed Restoration Grants Program; and

WHEREAS, in February 2002, the Erie County Department of Environment and Planning developed and submitted a proposal to NYSDOS to implement the Seneca Bluffs Aquatic Habitat Restoration Project as Phase II of the Seneca Bluffs restoration; and

WHEREAS, on May 2, 2002, the NYSDOS granted approval of the application allocating funding of \$100,000 over two years for a Phase II - Seneca Bluffs Aquatic Habitat Restoration Project to be implemented in Erie County; and

WHEREAS, in order to meet the requirements of the grant awards for the local match of project costs it is necessary to allocate \$50,000 in County funds during the life of the Seneca Bluffs Wetland and Aquatic Habitat Restoration Project; and

WHEREAS, the NYSDEC has authorized changes in the budget of the Seneca Bluffs Wetland Restoration Project to meet the needs of the changing scope of work.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to accept a two-year grant of \$100,000 from NYSDOS to assist in the implementation of Phase II – Seneca Bluffs Aquatic Habitat Restoration Project commencing in September of 2002, and be it further

RESOLVED, that the sum of \$50,000 is hereby transferred from the Regionalism/Economic Development Fund (DAC 110 9043038301299) to Account 886, Interfund Subsidies, in the budget of the Department of Environment and Planning to be used for the required local match, and be it further

RESOLVED, that the existing grant budget for the Seneca Bluffs Wetland Restoration Project (SFG #578) is hereby revised to include the new grant resources as follows:

**REVENUES:**

<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
State Aid - NYSDEC	\$106,500	0	\$106,500
Other Local Share Revenue	100,000	0	100,000
State Aid - NYSDOS	0	\$100,000	100,000
Interfund Revenue-Environment and Planning	<u>0</u>	<u>50,000</u>	<u>50,000</u>
<b>Total Revenues</b>	<b>\$206,500</b>	<b>\$150,000</b>	<b>\$356,500</b>

**APPROPRIATIONS:**

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
800	Salaries	\$89,000	\$31,000	\$120,000
805	Fringe Benefits	24,920	8,080	33,000
824	Travel and Mileage	1,000	1,000	2,000
826	Other Expenses	1,000	0	1,000
830	Contractual Services	90,580	109,920	200,500
<b>Total</b>	<b>Appropriations</b>	<b>\$206,500</b>	<b>\$150,000</b>	<b>\$356,500</b>

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.  
(5-0)

8. Item Page -2002 (Comm. 14E-29)

**COUNTY EXECUTIVE**

WHEREAS, Phase I of the County-wide Fuel Management System was implemented in 2001, and

WHEREAS, the sixteen locations installed under Phase I were Gas Boy Fuel Management System Units, and

WHEREAS, many municipalities have progressed to a computerized fuel management system, and

WHEREAS, the fifteen units required under Phase II will complete the Countywide Fuel Management System, and

WHEREAS, to maintain fuel management system continuity, the same units purchased under Phase I need to be purchased for Phase II,

NOW, THEREFORE, BE IT,

RESOLVED, that your Honorable Body authorize the County Executive to enter into a contract with the Pump Doctor for the purchase of fifteen Gas Boy fuel management system units at a cost not to exceed \$96,000, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from Project 309, Fund 420, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Comptroller's Office, one copy to the Division of Budget Management & Finance; and one copy to the Department of Information and Support Services.

(5-0)

9. Item Page -2002 (Comm. 14E-43)

**COUNTY EXECUTIVE**

WHEREAS, Erie County Sewer District No. 6 has 3.51± acres of excess land not needed for Sewer District purposes; and

WHEREAS, the City of Lackawanna desires to obtain said 3.51± acres for the expanded development of an adjoining 8± acre parcel; and

WHEREAS, the City's development of the land will put more property on the tax rolls; and

WHEREAS, the County's Advisory Review Committee (ARC) approved the transfer of said parcel at their meeting of May 21, 2002.

NOW, THEREFORE, BE IT

RESOLVED, that the transfer of 3.51± acres of Erie County Sewer District No. 6 property (SBL No. 140.20-1-11) to the City of Lackawanna for one dollar (\$1.00) is hereby approved; and be it further

RESOLVED, that the County Attorney be authorized and directed to prepare the legal paperwork to transfer 3.51± acres of Parcel No. 140.20-1-11 to the City of Lackawanna; and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute legal documents, subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, Gregory J. Dudek, Assistant County Attorney, Nancy Naples Erie County Comptroller, and Joseph Passafiume, Director, Budget, Management and Finance.  
(5-0)

10.     Item                   Page                                 -2002                   (Comm. 14E-44)

**COUNTY EXECUTIVE**

WHEREAS, the Village of Blasdell has requested Erie County Sewer District No. 3 assume ownership and maintenance of the Village's sanitary sewer lines; and

WHEREAS, an intermunicipal agreement is necessary to consolidate the ownership and operation of the Village of Blasdell's sewerage system with Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that intermunicipal agreements between the County, on behalf of Erie County Sewer District No. 3, and the Village of Blasdell for the purpose of operating and then transferring ownership of the Village's sewer lines and appurtenances to Erie County Sewer District No. 3 be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Ernest Jewett, Mayor, Village of Blasdell.  
(5-0)

11.     Item                   Page                                 -2002                   (Comm. 14E-45)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie on behalf of Erie County Sewer District No. 3 entered into a sanitary sewer service agreement with the Erie County/Southtowns Sewage Treatment Agency on December 30, 1974; and

WHEREAS, the Village of Blasdell has requested the Erie County/Southtowns Sewage Treatment Agency consolidate sewage services with the Village; and

WHEREAS, the Southtowns Agency members now desire to provide sewage treatment to the Village of Blasdell.

NOW, THEREFORE, BE IT



RESOLVED, that on behalf of Erie County Sewer District No. 3 and the Erie County/Southtowns Sewage Treatment Agency, the proposed Erie County/Southtowns Sewage Treatment Agency agreement with the Village of Blasdell to provide sewage treatment services and for the Agency to take over the sewerage facilities of the Village is hereby authorized; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Ernest Jewett, Mayor, Village of Blasdell.

(5-0)

**AS AMENDED**

12. Item Page -2002 (Comm. 14E-49)

**COUNTY EXECUTIVE**

WHEREAS, Development Downtown Incorporated (DDI) has requested Erie County Sewer District No. 6 (ECSD NO. 6) to provide sanitary sewer service to the Union Ship Canal properties; and

WHEREAS, the Buffalo Sewer Authority is unable to provide sanitary sewer service; and

WHEREAS, by providing sanitary sewer service to the Union Ship Canal properties there will be significant cost savings to both DDI and Erie County Sewer District No. 6.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement between the County, on behalf of Erie County Sewer District No. 6, and Development Downtown Incorporated for the purpose of providing sanitary sewer service to the Union Ship Canal properties is approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the agreement subject to approval as to form by the County Attorney, and content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller, Gregory Dudek, Assistant County Attorney, Joseph Passafiume, Director of Budget and Management, and Peter Cammarata, Development Downtown Incorporated.

(5-0)

13. Item Page -2002 (Comm. 14E-50)

**COUNTY EXECUTIVE**

WHEREAS, in Communications Number 12E-20 (c), dated July 5, 2001, legislative authorization was received to enter into contracts with two Performance Contracting firms, and

WHEREAS, the first step in a Performance Contract is to perform a comprehensive energy audit, and

WHEREAS, if cost effective Energy Conservation Measures are found at a facility, and a construction contract is executed, the cost for the comprehensive energy audit is included in the construction contract, and

WHEREAS, if cost effective Energy Conservation Measures are found at a facility, and a construction contract is not executed by the County, the Performance Contractor then expects and deserves payment for the comprehensive energy audit, and

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) has committed to reimbursing the Department of Environment & Planning, Division of Sewerage Management for 50% of the comprehensive energy audit costs up to \$40,000, and

WHEREAS, the Department of Environment and Planning has advised the County Legislature that there are benefits to completing the comprehensive energy audits.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Environment & Planning, Division of Sewerage Management is authorized to issue supplemental agreements to the County's Performance Contractors to perform comprehensive energy audits providing that a clause is included in the contract that states that no specific payment will be made for this service provided cost effective Energy Conservation Measures are found at a facility, and a construction contract is executed, and be it further

RESOLVED, that should the Performance Contractor perform a comprehensive energy audit and cost effective Energy Conservation Measures are found at a facility, and a construction contract is not executed by the County, the cost of this comprehensive energy audit work will be paid from Sewer District funds, not-to-exceed a total of \$120,000, and be it further,

RESOLVED that the Director of Budget, Management and Finance be directed to allocate funds accordingly, as follows:

ECSDs No. 1, 4, & 5

Use of Fund Balance, 220 851 810 698 105 - \$30,000

Contractual Services, 220 851 810 830

ECSD No. 2

Use of Fund Balance, 220 852 820 698 105 - \$30,000

Contractual Services, 220 852 820 830

ECSD No. 3/Southtowns

Use of Fund Balance, 220 853 830 698 105 - \$30,000

Contractual Services, 220 853 830 830

ECSD No. 6

Use of Fund Balance, 220 854 840 698 105 - \$30,000

Contractual Services, 220 854 840 830;

and be it further,

RESOLVED, that the County Executive be, and hereby is, authorized to execute said supplemental agreements subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one copy to Nancy Naples, County Comptroller, Gregory Dudek, Assistant County Attorney, and Joseph Passafiume, Director of Budget and Management.

(5-0)

14. Item Page -2002 (Comm. 14E-51)

**COUNTY EXECUTIVE**

WHEREAS, The County of Erie, desires to participate in the retention and expansion of farming and agricultural activity in Erie County; and

WHEREAS, The production of sweetcorn in Erie County is coming under pressure from new cooling and packaging requirements and competition from outside the County and region; and

WHEREAS, The Eden Valley Growers Farm Cooperative has served as a source for cooling and packaging of locally grown produce and is willing to provide up to \$65,000 in cash and installation services for the acquisition of a hydro-cooler; and

WHEREAS, The Erie County Industrial Development Agency has acted as a pass-through agency for the purchase of this type of equipment,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency, in amounts not to exceed a total of \$150,000.00, for the purpose of purchasing a hydro-cooling unit for use by the Eden Valley Growers Farm Cooperative; and be it further

RESOLVED, That the Erie County Industrial Development Agency shall retain ownership of the cooling unit, which will be leased to the Eden Valley Growers Farm Cooperative; and be it further

RESOLVED, That the source of these funds shall be \$150,000.00 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830 1299, which will transferred to a separate subaccount under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning and the County Attorney.  
(5-0)

**JOHN W. GREENAN**  
**CHAIRMAN**